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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, MYLINH T	

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/090,627	ORDING, BAS	
	Examiner	Art Unit	
	Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6,7,9-14 and 16-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-4, 6-7, 9-14 and 16-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 06/25/07 has been entered and carefully considered. Claim 26 has been added. However, the limitations of the new claim has not been found to be patentable over prior art of record, therefore, claims 1, 3, 4, 6, 7, 9-14 and 16-26 remain rejected under the same ground of rejection as set forth in the Office Action mailed 03/23/07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-4, 6-7, 9-14 and 16-23, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hiura et al. [US. 6,628,310].

As to claims 1, 14, 23 and 26, Hiura et al. teach a computer implemented method and corresponding apparatus for providing an aesthetically pleasing transition between two or more graphical user interface comprising the steps/means of determining a change between active applications running on a computer from a first application to a second application (column 1, line 66 through column 2, line 12);

replacing a first GUI element associated with the first application that is displayed on a computer display with a second GUI element associated with the second application (column 2, lines 30-37); and in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between display of the first and second GUI elements, wherein the animated transition aids user recognition of differences between the first GUI element and the second GUI element (column 3, lines 36-44 and column 4, lines 37-50).

As to claims 3 and 16, Hiura et al. show the step of detecting a change comprising detecting a user initiated event (column 2, lines 1-11).

As to claim 4, Hiura et al. teach detecting a change comprising detecting a mouse click event (column 2, lines 1-11).

As to claims 6 and 17, Hiura et al. also shows the step of detecting a change comprising opening of the second an application (column 2, lines 25-40).

As to claim 7, Hiura et al. show the step of detecting a change comprising detecting the quitting of the first application (column 3, lines 35-45).

As to claims 9 and 18, Hiura et al. show providing visual notification being configured to render rotation animation graphics (column 3, lines 30-67).

As to claims 10 and 19, Hiura et al. show providing visual notification being configured to render scrolling animation graphics (column 4, lines 38-50).

As to claims 11-13 and 20-22, it would have been inherent that Hiura et al. show animation graphics comprising three-dimensional animation graphics, the three-dimensional animation graphics comprising animation graphics utilizing gray scales and the three-dimensional animation graphics utilize gray scale to virtual lighting effect because Hiura teaches the animated transition between two windows in a three dimensional structure (column 1, lines 60-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiura et al. [US. 6,628,310] in view of Matthews.

As to claim 24, Hiura et al. fail to clearly teach the first and second menu bar. However, Matthews teaches the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second menu bar comprising a plurality of options pertaining to functions associated with the second application (column 18, lines 61-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Matthews and the teachings of Hiura. The motivation for combination would have been to enhance the transition of menu system.

As to claim 25, Hiura et al. fail to clearly teach the first and second menu bar. Matthews also teaches the first GUI element comprising a first menu bar having a plurality of options pertaining to functions associated with the first application and the second GUI element comprising a second menu bar having a plurality of options pertaining to functions associated with the second application (column 18, lines 61-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation. Motivation of the combination would have been to enhance the transition of menu system.

Response to Arguments

Applicant has argued that Hiura does not teach or suggest the application of the second window becomes active. However, the examiner respectfully disagrees with the argument because the first window is turned over so as to unveil the second window that is laid under the first window. It makes the second window that is immediately under the first window as **a current window of a computer system** (column 8, lines 14-20). The second window now becomes the current window which is an active window in a computer system (figure 4B, S117). The first window become Applicant's

attention is also directed to column 8, lines 25, 30, as disclosed "the window–movement control unit 17-5 returns the window 14-2 to its initial state so as to veil the window 14-3 as it has been laid under the second window 14-2, and changes the window 14-2 that is laid over the window 14-3 as a current window". That means a position of the first window and the second window can be changed to be laid over or under each other. Whichever window is laid over other window to become the current window. Since the Hiura's system discloses of displaying current window, it teaches detecting a change between active applications.

Applicant has also argued that Hiura teaches that the turning over operation is initiated in response to the user placing, clicking and dragging the object on the first window, not in response to detecting the change between active applications. However, by placing, clicking and dragging the object on the first window, the system initiates the turning over operation and then detects the change between active applications. The applicant's argument has not been found to be persuasive.

Further, the applicant argued the turning over operation of Hiura is not associated with a window that is displayed on the computer display, and, therefore, does not teach to "a first application associated with a first window being displayed on a computer display" or "a second application associated with a second window". However, the content object is associated with the first window 14-2 being displayed on the computer

display while the content object is associated with the second window 14-3 being displayed on the computer display as well.

Finally, Applicant has argued that there would be no reason to combine the method described in Hiura for turning over a window that is laid over another window with the method described in Matthews for displaying control objects that include a plurality of menu panels. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner respectfully disagrees because both of the references disclose the same field of invention. These references disclose a method of providing a transition between two or more graphical user interface elements.

Hiura teaches turning over a window that is laid over another window, while Matthews shows rotating plurality of menu panels to reveal the content of other menu panels.

Thus, one skilled in the would need to modify the teachings of the Hiura patent to require a display of other menu panel by rotating a next menu

panel for the benefit of enhancing the transition of two elements in the computer system.

Moreover, in view of the guidance provided by the Supreme Court in *KSR* decision, a patent claim is prima facie obvious if "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See the recent Board decision *EX parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007 (citing *KSR*, 82 USPQ2d at 1396) (available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf>).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.
The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER